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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

3627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/775,142             | KURODA ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Ramsey Refai           | 3627                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-9,11-18,20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9,11-18,20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Responsive to the Amendment filed September 10, 2009. Claims 1, 4, 6, 11, 16, 20, 22, 23, and 25-26 were amended. Claims 5, 10, 19, and 21 were canceled. Claims 1-2, 4, 6-9, 11-18, 20, and 22-26 remain pending.

### ***Response to Arguments***

1. Applicant's arguments have been fully considered but they are not persuasive.
  - In the remarks, the Applicant argues with substance that Inoue fails to teach a totaling unit that separately calculates, at the time of finishing a transaction processing with the customer, a total of the amount of the accepted cash that has been accepted by the automatic change dispenser and a total of the amount of the rejected cash that has been manually input through the manual input unit.
  - In response, the Examiner respectfully disagrees. Inoue et al teach that a total amount of accepted cash in the change machine and the total amount of cash in the drawer (which is the money that was rejected by the change machine) is calculated after each customer and at the end of the business day (**see at least column 6, lines 21-63, column 7, lines 7-43**).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

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ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 4, 6-9, 11-18, 20, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (US 6,981,633) in view of "Official Notice".

4. As per claim 1, Inoue et al teach a point of sale terminal device capable of communicating information with an automatic change dispenser capable of accepting and dispensing cash, comprising:

a manual input unit that is enabled to receive from the cashier a manually input amount of rejected cash rejected by the automatic change dispenser (**see at least column 3, lines 35-40, column 6, lines 4-9, column 7, lines 29-37**);

a deposit calculation unit that receives from the automatic change dispenser the amount of accepted cash, and calculates total amount of deposited cash that has been deposited by a customer by adding the amount of accepted cash and the amount of rejected cash (**see at least column 5, line 53-column 6, line 28**);

a change calculation unit that calculates an amount of change to be paid back to the customer based on the total amount of deposited cash, and instructs the automatic change dispenser to dispense the amount of change (**see at least column 9, line 52-column 10, line 50**); and

a totaling unit that separately calculates, at the time of finishing a transaction processing with the customer, a total of the amounts of the accepted cash that has been accepted by the automatic change dispenser and a total of the amount of rejected cash that have been manually input through the manual input unit (**see at least fig 12, column 6, lines 51-58, column 9, line 52-column 10, line 50, column 5, line 53-column 6, line 28**).

Inoue et al teach a cashier display and the cashier pressing a key to display the total amount due (**see at least column 9, line 46-column 10, line 10**) but fails to explicitly teach a display unit that displays, in response to a request by a cashier, *an amount of cash accepted by the automatic change dispenser*. However, "Official Notice" is taken that both the concept and advantage of displaying the amount deposited at a money acceptor is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include this feature in Inoue et al because doing so would allow the cashier to determine the amount already deposited in order to properly settle the transaction using money that has been rejected by the change machine.

Furthermore, Inoue et al fail to explicitly teach the manual input step occurs *after the display unit has displayed the amount of accepted cash*. However, the input of the amount already accepted would need to be displayed first in order to determine the remaining balance prior to settling the transaction using the money that was rejected.

5. As per claim 2, Inoue et al fail to explicitly teach *a payment instruction unit that instructs the automatic change dispenser to refund a cash corresponding to the deposit information, when there is request for cancellation of transaction after the automatic change dispenser has accepted the cash*. However, "Official Notice" is taken that the concept and advantage of this feature is well known in the art as evidenced by Marion (US Patent No. 6,073,840). Marion teaches that a customer who opts out of the transaction can request a refund from the cash acceptor which then will eject the customer payment (**column 44, line 64-column 45-29**). It would have been obvious to one of ordinary skill in the art to include this feature because doing so would allow for the money accepted by the bill/coin acceptor to be refunded when the customer opts out of the transaction.

The Applicant has not adequately traversed the Official Notice taken in the previous action. “ *To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner’s action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.*” MPEP 2144.03c. **The common knowledge or well-known in the art statement is taken to be admitted prior art because the traverse was inadequate. MPEP 2144.03c**

6. As per claim 4, Inoue et al teach a cashier display and the cashier pressing a key to display the total amount due (**see at least column 9, line 46-column 10, line 10**) but fails to explicitly teach *a key wherein the display unit displays the deposit information when the key is operated*. However, "Official Notice" is taken that both the concept and advantage of displaying the amount deposited at a money acceptor is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include this feature in Inoue et al because doing so would allow the cashier to use a key to determine the amount already deposited in order to properly settle the transaction using money that has been rejected by the change machine.

7. As per claims 6-9, 11-18, and 20, these claims contain similar limitations as claims 1-2, and 4 above and therefore are rejected under the same rationale.

8. As per claim 22, Inoue et al teach wherein the POS terminal device further comprises: a drawer that stores the rejected cash; and an output unit that outputs: a total amount of cash stored in the automatic cash dispenser and a total amount of cash stored in the drawer at the end of the predetermined period of time, the calculated total of the amounts of accepted cash over the predetermined period of time, the calculated total of the amounts of rejected cash over the predetermined period of time, a calculated total of the amounts of change paid back to customers over the predetermined period of time, and a calculated total amount of cash that is

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supposed to be stored in the automatic cash dispenser and the drawer at the end of the predetermined period of time (**see at least column 5, lines 20-52**).

9. As per claims 23-26, these claims contain similar limitations as claim 22 above and therefore are rejected under the same rationale.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: The Examiner has cited specific citations in the reference(s) as applied to the claim(s) above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing their response, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat. App & Inter. 1987).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai  
December 30, 2009  
/Ramsey Refai/  
Primary Examiner, Art Unit 3627